

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

APR 03 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOSE INEZ MEDINA-HERNANDEZ,  
a.k.a. Jose Inez Medina,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-75256

Agency No. A038-520-410

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 18, 2009<sup>\*\*</sup>

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Jose Inez Medina-Hernandez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review de novo

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

due process claims, including ineffective assistance of counsel claims. *Lin v. Ashcroft*, 377 F.3d 1014, 1023 (9th Cir. 2004). We deny the petition for review.

The BIA correctly rejected Medina-Hernandez's ineffective assistance of counsel claim because any deficiencies in the representation did not prejudice him. *See Castillo-Perez v. INS*, 212 F.3d 518, 527 n.12 (9th Cir. 2000) ("Due process challenges to deportation proceedings require a showing of prejudice to succeed."). We conclude that there was no error in the BIA's determination that its prior decision properly considered Medina-Hernandez's perjury conviction in denying his application for relief under former 8 U.S.C. § 1182(c).

**PETITION FOR REVIEW DENIED.**